

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

LARRY LEGGITT : CIVIL ACTION
v. :
LOUIS S. FOLINO, et al. : NO. 04-1142

ORDER

AND NOW, this day of July, 2004, it appearing that on March 12, 2004, petitioner filed a petition in this court for Habeas Corpus relief pursuant to 28 U.S.C. §2254, and

it further appearing that at that time, petitioner requested that his 28 U.S.C. §2254 petition be, in his words, "held in abeyance" until such time as he had exhausted his state remedies, and

it further appearing that as of this date, this petition has been held in abeyance by this court for over four months without petitioner asking that it be considered on the merits, it is hereby

ORDERED that petitioner is granted provisional leave to proceed in forma pauperis in this matter for the purpose of this Order only, and, it is further

ORDERED that this civil action is **DISMISSED WITHOUT PREJUDICE**.

LAWRENCE F. STENGEL, J.